

CITY COUNCIL MINUTES

June 13, 2011

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, June 13, 2011 at 6:00 p.m. with Mayor Kirby presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER**ROLL CALL:**

Council Members Present: Bridget Powers, Kevin Hanley, J. M. Holmes, Keith Nesbitt, Bill Kirby

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Associate Planner Lance Lowe, Building Official Lisa Hoffrogge, Police Chief Valerie Harris and Police Captain John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Holmes/ Nesbitt/ Unanimously Approved by Voice

(1) **CONFERENCE WITH LABOR NEGOTIATORS**
G.C. 54957.6

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: All Bargaining Units

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE**MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Proclamation presented for the US Army 236th Birthday

Commendation presented to Dan Sokol

Proclamation presented for Party in the Park

AGENDA APPROVAL

Council Member Holmes requested item 16 be moved to follow item 9. The remainder of the agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

By **MOTION**, approve City Council Minutes of May 9, 2011 and May 23, 2011.

2. **Volunteer Service for Project Canyon Safe**

By **RESOLUTION 11-61**, cover volunteer service workers performing without pay on the July 9th, 2011 Project Canyon Safe under Workers' Compensation Law.

3. **Private Sector Appointment to Sierra Economic Development Corporation (SEDCorp)**

By **MOTION**, appoint Gayle Matsuoka to the Board of Directors of the Sierra Economic Development Corporation.

4. **Wildland Fire Protection Agreement with Cal Fire, FY 2011-2012**

By **RESOLUTION 11-62**, approve and authorize the Fire Chief to sign the Wildland Fire Protection Agreement for FY 2011-2012 with Cal Fire (Department of Forestry & Fire Protection).

5. **Fire Dispatch Agreement with Cal Fire**

By **RESOLUTION 11-63**, approve and authorize the Fire Chief to execute the dispatch agreement with Cal Fire, California Department of Forestry & Fire Protection, for the period of July 1, 2010 through June 30, 2013.

6. **Drug Screening Kits Available to the Public**

By **RESOLUTION 11-64**, approve a pilot program to provide Drug Screening Kits to the public at cost.

7. **Extend the Expiration Date of Discretionary Entitlements Consistent with the Subdivision Map Act**

Introduce and hold a first reading, by title only, of an **ORDINANCE**, amending various sections of the Auburn Municipal Code, to extend the expiration date of discretionary entitlements consistent with the Subdivision Map Act.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar.

MOTION: Holmes/ Powers/ Approved 5:0

8. **Public Comment**

Glenn Tonkin with Auburn Community Television (ACTV) announced Melissa Holden took a job with Channel 4 in Reno, NV. He introduced Paula Johnston who will be filling in while they go through the process of hiring Melissa's replacement. He also said that ACTV will be covering the Western States run again this year and is looking for volunteers.

Council Member Holmes said he would like to see the Community Development Department provide an update on the Blocker Drive Property. He gave an update on new redistricting maps and what it means for Placer County. He also said the Elks Lodge is holding an event June 25th to raise money for the medallions given to Veterans at the Veterans Day parade.

Council Member Hanley said the Blocker Drive property is owned by the redevelopment agency and the future of that ownership is unknown at this time.

PUBLIC HEARING

9. **2010 Weed Abatement Program, Assess Tax Roll**

Fire Chief Mark D'Ambrogi presented this item. He said this public hearing is held to hear from the property owners listed on this report.

There was no public comment on this item.

By **RESOLUTION 11-65**, approve the 2010 cost report of the weed abatement program and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller in order to collect cost assessments.

MOTION: Holmes/ Powers/ Approved 5:0

9a. National Register of Historic Places, Nomination of City Buildings at 1103 High Street and Fire House No. 2 in Old Town (formerly item 16)

Community Development Director Will Wong said two city-owned properties have been nominated for listing on the National Registry of Historic Places. He said this item was brought before the Council on June 14, 2010 and voted down 4:1; in favor of not moving forward with the nomination. He said letters have been sent to the Office of Historical Preservation informing them not to move forward and to remove the city-owned buildings from any participation in this program.

Council Member Hanley asked if the City would have to fund the Historic Structure Report. He also asked about CEQA review requirements on work to the buildings in question. He asked about the possibility of a decreased property value due to the additional requirements that come along with being on the registry.

Will Wong said this report is not typically required. He said the cities that produce this report are being "proactive". He said the report outlines all the maintenance requirements so that maintenance staff is able to move forward in a knowledgeable way when restoration work is completed. He said CEQA reviews still apply on these buildings in order to complete work on them.

Council Member Powers asked how the Carnegie Library was nominated after the last Council action was to not move forward.

Will Wong said the process for listing properties allows for public buildings to be nominated without the property owners request or approval.

Mayor Kirby asked Mr. Wong's opinion on preparing the Historic Structure Report before any maintenance work is completed. He also asked staff's opinion on having a building on the registry in terms of making it more difficult to sell and more difficult to maintain. He asked about the potential effect on tourism.

Will Wong said if a building is on the registry, it could make it more difficult to sell to a private party due to the additional encumbrances. He said in conversation with other cities' staff, there is generally a higher cost associated with maintenance of buildings that are on the registry.

Council Member Nesbitt asked about approval process before major work could be completed to building on the registry.

Ralph Gibson on behalf of the Placer County Museum on Maple Street, spoke in support of all nominations of buildings in Auburn on the National Registry of Historic Places. He said a listing on the registry honors the building by recognizing its importance to its community, the state and the nation.

Dave Allen, president Native Sons of the Golden West historical preservation group, spoke in support of listing these building on the National Registry.

Michael Otten, president of Placer County Historical Society and Board Member of Placer County Visitors Bureau, spoke in favor of listing the properties in the registry. He said he doesn't feel there are additional costs associated with the buildings due to being on the registry.

Council Member Holmes spoke in favor of listing these buildings on the National Registry. He commented on the application process, the past action by the Council, and the review process associated with using federal funds for projects.

Council Member Nesbitt spoke about the indirect costs associated with listing properties on the registry. He said he supports listing the Old Town Firehouse, but not the Old City Hall on High Street due to unknown future ownership of the buildings.

Council Member Powers said she stands by the Council decision last year. She said she feels there will be an increased cost to maintain these buildings if they are placed on the registry. She said she supports doing more research, so that when and if the buildings are listed, it is done correctly and with unified support from the community.

Council Member Hanley said although he voted against the listing in June of 2010, after more research he no longer feels there are bureaucratic and cost problems with registration. He said he supports placing the building on the registry because he sees a benefit to the community.

Council Member Holmes said there are two county-owned properties on the registry in Auburn. He said further concerns can be addressed to the committee who makes the final determination on building placement on the registry.

Mayor Kirby said he has concerns both for and against listing buildings on the registry.

Will Wong said this is a decision on where the City wants to go with historical preservation going forward. He said he feels the recent interior

work completed on the Old City Hall would not have been any different if the building was on the National Registry.

By **MOTION**, choose to support the nomination of the two city buildings for listing on the National Register of Historic Places and direct staff to send a letter of notification to the California State Office of Historical Preservation of such.

MOTION: Hanley/ Holmes/ Approved 3:2 (Powers and Nesbitt voted no)

REPORTS

10. City Council Committee Reports

Council Member Powers reported that the Auburn Airport Business Park Association is holding a meeting on July 13th where a monument sign for Highway 49 will be discussed. She also reported that the Placer County Economic Development Board is meeting June 16th in Lake Tahoe where Auburn will be reporting on the Amgen Stage Start held in May.

Council Member Nesbitt reported that the Streetscape History and Art Advisory Committee (SHAAC) is meeting June 15th. He also reported on the "Placer Grown" boxed lunches provided at the Amgen Stage Start held in May. He also reported on a mixer to be held in Old Town the evening of June 16th.

Council Member Holmes reported the Sierra Economic Development Corporation met in Placerville last month and will be meeting in Auburn next month. He reported the Placer County Air Pollution Control District (PCAPCD) had representatives in Washington D.C. to receive an award for Placer County. He said PCAPCD will be moving into 110 Maple Street and holding a grand opening in July.

Mayor Kirby reported on Auburn Movie Night showings scheduled this summer. He said Wednesday Night Live will be taking place right up the street from the first showing in Central Square. He reported on the Boys and Girls Club dinner that took place last Saturday night.

COUNCIL BUSINESS

11. Intention to Levy Annual Assessment Fee for Business Improvement Districts

City Manager Robert Richardson presented this item.

Linda Robinson, President of the Old Town Business Association (OTBA), presented the OTBA Business Improvement District report. She explained the proposed project on the "Tin Building" in Old Town.

Harvey Roper, on behalf of Jim Brill who is President of Downtown Business Association (DBA) presented the DBA Business Improvement District report.

Council Member Holmes said he would like to encourage joint marketing for the whole community.

Council Member Hanley recognized the business owners for the amount of activity they do everyday to boost the business districts in Auburn.

By **RESOLUTION 11-66:**

1. Appoint the City Manager as the advisory board for the Old Town Business Improvement District and for the Downtown Business Improvement District and direct him to produce the report required pursuant to Section 36533 of the 1989 Law for Fiscal Year 2011-12.
2. Approve the Annual Reports as filed by the advisory board for both the Old Town Business Improvement District and for the Downtown Business Improvement District.
3. Set a Public Hearing for June 27, 2011 to levy annual assessment fees for fiscal year 2011-12 within the Old Town Business Improvement District and the Downtown Business Improvement District.

MOTION: Nesbitt/ Powers/ Approved 5:0

12. **Support for Auburn State Recreation Area**

Council Member Holmes presented this item. He said the draft letter is addressed to the House Appropriations Committee who approves funding in the Presidents Budget. He said the Placer County Board of Supervisors is considering a similar letter. He said he sent a copy of this letter to Congressman McClintock's office for support.

Michael Otten, resident of Auburn, spoke in support of the letter and said he would like to see this recreation area be considered as a national monument.

Council Member Powers said she supports the letter, although she would like a paragraph added regarding the wildland/urban interface that is in constant danger of a catastrophic fire.

Council Member comments followed supporting the letter with Council Member Powers comments added to the letter.

By **MOTION**, approve a revised letter regarding the funding request in the President's budget to preserve the operation of the Auburn State Recreation Area.

MOTION: Hanley/ Nesbitt/ Approved 5:0

13. **City Charter Hearings and Testimony**

Council Member Holmes said the consideration of the City Charter on a regular meeting agenda does not provide enough time for thorough discussion. He said he would like to have separate study sessions to consider the placement of a draft city charter on the June 2012 ballot.

Dan Sokol, resident of Auburn, spoke in favor of a City Charter.

Ronnie Daniel, resident of Auburn, spoke in favor of holding public meetings to educate the public about the City Charter.

Council Member Hanley said the benefit to holding these meetings during regular scheduled meetings is that all the department heads are in attendance to answer any questions. He said he is in favor of holding study sessions after the third public hearing if necessary.

Council Member comments followed regarding holding the three public hearings before any study sessions are scheduled.

Council Member Holmes tabled this item and said he may bring it back at a later date.

*** Council recessed for 5 minutes***

14. **Home Rule for Auburn Charter of 2012**

Council Member Hanley said in this first public hearing on the City Charter and the only action he is requesting is to direct the City Manager to make all Charter correspondence easily accessible on the city's website. He explained the problems Auburn could face in the future as a general law city. He said a Charter is a possible tool for addressing some of these problems. He said a Charter shifts the authority from the state legislature to local citizens and local councils over their municipal affairs. He said 120 cities have adopted city charters. He said a city charter could: (1) clarify the status of volunteers on local projects, (2) create a prevailing wage exemption, (3) provide for local bid preference, (4) allow for performance-based budgeting, (5) prevent city council from imposing new taxes or fees, (6) limit pay and benefits to elected officials, (7) eliminate elected city clerk and elected city treasurer, (8) maintain Council/ City Manager form of

government, (9) keep all current ordinances in place, and (10) provide a mission statement.

Council Member Nesbitt asked if the citizens would feel much of a change in regards to the day to day operations of the city.

Council Member Hanley said he feels it would not change day to day operations. He said the main changes would be lowering sewer repair costs, allowing for local bid preferences and use of volunteers.

Council Member Holmes asked how the bid preference process works.

Council Member Hanley said this would allow the city to establish a bid preference for Placer County firms to the extent provided by state or federal law.

Council Member Holmes asked for a definition of an exemption on prevailing wage.

Council Member Hanley said prevailing wage is set in Sacramento by the Director of the Department of Industrial Relations. He said it is based on collective bargaining agreements in the Sacramento area for certain trades.

Council Member Powers asked about the option of keeping an elected City Clerk and elected City Treasurer.

Council Member Hanley said it is a cost savings measure, and by the will of the Council.

Council Member Holmes explained that charters usually address the City Clerk and City Treasurer position, and state whether they are elected or appointed positions.

Mayor Kirby asked about the difference in the two governments in terms of decisions that would have to go before the voters, appointed vs. elected positions, prevailing wages and future election costs.

Council Member Hanley said if there was interest in changing part of the actual charter, it would go to an election. He said most charters are written to leave a lot of the local policy making to the local council. He said prevailing wages could still be paid by a charter city, if that is what the city wishes to do. He said if a charter is adopted, staff will have to more carefully track what legislation is passed at the state level so that it could potentially be passed as an ordinance locally.

Council Member Nesbitt clarified that if the charter is drafted carefully ordinances and policies would be adopted without an election.

Public Comment in support of a charter city:

Eric Christen, resident of Grass Valley spoke about misconceptions and disadvantages of "prevailing wage".

Public Comment in opposition of a charter city:

Ginny Smith, resident of Auburn spoke about disadvantages of prevailing wage exemption and the volunteer exemption bill.

Matt Kelly, Sacramento Building and Construction Trades Council spoke about prevailing wage exemption and the direct result of quality of construction.

Dennis Dean, resident of Sacramento spoke about the risk of changes to the charter due to special interest groups and the benefits of prevailing wage.

Cody Bik, resident of Rocklin spoke about prevailing wage and the effect of the lower wage received by the worker.

Alex Kothny, resident of Citrus Heights spoke about the benefits included in prevailing wage.

Cory Strack, resident of Davis spoke about the effects of eliminating prevailing wages.

Joe Labrie, resident of Auburn, spoke about the small number of labor union-represented employees and the lower wages for workers.

Public comment that is neutral:

George Preston, resident of Auburn clarified information in the staff report regarding prevailing wage.

Council Member comments followed regarding the importance of having all the information available to the public on the City's website and the importance of volunteerism in Auburn.

By **MOTION**, direct the City Manager to ensure that on the city's website that there is an easy-to-navigate way for residents and business owners to access all the written materials submitted related to the Home Rule for Auburn Charter of 2012 and an easy way for residents and business owners to email, write or telephone their comments and suggestions to city staff and City Council Members.

MOTION: Powers/ Nesbitt/ Approved 5:0

15. **Review of City Operations, Community Development Department**

Community Development Director Will Wong presented this item (presentation available in the staff report). He explained that the Community Development Department (CDD) encompasses Planning,

Building, Code Enforcement, Public Service Counter, Affordable Housing and Special Projects. He highlighted each of the department's functions. He said some of the work completed by his department is hard to track because it relates to general customer service and assistance to other departments.

Council Member Holmes said he expected to see performance-based budgeting and recommendations on how to improve city services with reduced staffing.

City Manager Robert Richardson said these departmental presentations will be simple reviews of the overall services currently provided. He said at the end of all departmental reviews, staff will be combining all the information into one report to begin the process of developing a performance-based budget.

Council Member questions followed regarding: (1) ordinance amendments for massage therapists, (2) total permit fees excluding sewer and mitigations, (3) tracking customer service for performance-based budgeting, (4) the tree mitigation fund, (5) solar panel permit fee and supplemental application process, (6) draft parking study, and (7) time spent on projects listed in staff report (page 165).

Council Member comments followed regarding statistics on turn around time for CDD related services in the future.

16. **National Register of Historic Places, Nomination of City Buildings at 1103 High Street and Fire House No. 2 in Old Town**

Moved to item 9a.

ADJOURNMENT

Mayor Kirby adjourned the meeting, without objection, at 9:55 p.m.

William W. Kirby, M.D., Mayor

Joseph G. R. Labrie, City Clerk

(This page intentionally left blank)